

Colorado Supreme Court 2 East 14th Ave., Fourth Floor Denver, CO 80203	RECEIVED SEP 10 2009 ATTORNEY REGULATION
Office of Attorney Regulation Counsel 2008UPL61	
Petitioner: The People of the State of Colorado, v. Respondents: Rachel O'Hanlon and TruLegal, LLC.	Supreme Court Case No: 2009SA115
ORDER OF COURT	

Upon consideration of the Petition for Injunction, the Order to Show Cause, the Proof of Attempted Service of the Petition for Injunction and Order to Show Cause and the Motion to Enter Injunction filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Respondents RACHEL O'HANLON and TRULEGAL, LLC. shall be, and the same hereby are, ENJOINED from the Unauthorized Practice of Law in the State of Colorado.

BY THE COURT, SEPTEMBER 9, 2009.



Case Number: 2009SA115

Caption: People v O'Hanlon, Rachel & TruLegal

CERTIFICATE OF SERVICE

Copies mailed via the State's Mail Services Division on September 9, 2009. *Use*

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SUPREME COURT, STATE OF COLORADO
2 East 14th Avenue, 4th Floor
Denver, Colorado 80203

ORIGINAL PROCEEDING IN
UNAUTHORIZED PRACTICE OF LAW,
08UPL061

Petitioner:

THE PEOPLE OF THE STATE OF
COLORADO

vs.

Respondents:

RACHEL O'HANLON and TruLegal, LLC.

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FILED IN THE
SUPREME COURT

MAY 13 2009

OF THE STATE OF COLORADO
SUSAN J. FESTAG, CLERK

▲ COURT USE ONLY ▲

Case Number:

PETITION FOR INJUNCTION

Petitioner, through the undersigned Assistant Regulation Counsel, and upon authorization pursuant to C.R.C.P. 234(a),¹ respectfully requests that the Colorado Supreme Court issue an

order pursuant to C.R.C.P. 234 directing the respondent to show cause why he should not be enjoined from the unauthorized practice of law. As grounds therefor, counsel states as follows:

1. The respondent, Rachel O'Hanlon, is not licensed to practice law in the state of Colorado. The respondent's last known address is 7960 S. Webster Way, Littleton, CO 80128. The last known address of TruLegal, LLC is 494 Sheridan Blvd., Ste 202A, Denver, CO 80226.

2. *Background.* Respondent is not an attorney. Respondent at relevant times was the president and CEO of TruLegal, LLC. TruLegal advertised as an advocate group for people who could not afford traditional fees set by private attorneys. TruLegal offered customers access to case managers, who spoke with the customers about their legal problems and obtained documents from the customers. The case managers then forwarded this information to "legal document assistants" who prepared pleadings and related documents to be used by the

¹ The Unauthorized Practice of Law ("UPL") Committee authorized the filing of this petition on May 8, 2009.

customers in *pro se* proceedings. The “legal document assistants” then faxed their work back to TruLegal, which sent the completed documents to the customer. None of the case managers or the “legal document assistants” were licensed attorneys.

3. *Elizaldi Retains TruLegal.* Consilia Elizaldi (“Elizaldi”) was owed \$10,000’s in back child support. Elizaldi’s daughter looked for a lawyer to help her mother collect this unpaid amount. The daughter found TruLegal’s website on the Internet. The daughter gave TruLegal Elizaldi’s name and phone number.

4. In August 2007, a representative of TruLegal, LLC named Kristina contacted Elizaldi by phone. Elizaldi told Kristina that she wanted help collecting past child support payments. Kristina told her that before TruLegal could do anything on her case, Elizaldi had to pay a \$38 membership fee. Elizaldi told Kristina that she didn’t want to be a TruLegal member because she only had the one legal matter. Kristina told Elizaldi that she also would have to pay

\$100 for paper work before TruLegal could do anything.² On September 4, 2007, Elizaldi sent TruLegal a check for \$138.

5. A week or so later Elizaldi received a mailing comparing the cost to hire a private lawyer to handle her case compared to representation through TruLegal. The estimate for the private lawyer was \$15,000. Through TruLegal, Elizaldi would only have to pay \$750. Elizaldi thought that she was going to be represented by an attorney.

6. After Elizaldi paid TruLegal, two different TruLegal representatives called to discuss her case. She thought they were attorneys. Some time passed. Elizaldi hadn't heard anything further about her case so Elizaldi called respondent to check on its status. Respondent told Elizaldi to fax respondent all the documents related to her case so respondent could help her. Elizaldi faxed respondent a court order, a payment sheet, and her ex-husband's address.

² Respondent explained in her response to the request for investigation that the \$100 fee is for processing the application. The \$38 fee is for the first month's service. This is a month-to-month plan that gives members access to the TruLegal legal network. Members pay the application fee and then \$38 per month thereafter until the membership is cancelled.

7. In October 2007, Rick Vasquez of TruLegal called Elizaldi. He told her, "I am handling your case." Elizaldi thought he was an attorney.³ Vasquez told Elizaldi that before he got started he would need \$750 for his fee. Elizaldi sent him \$225 in October and \$525 in November. The checks were endorsed by Vasquez over to respondent and TruLegal. The \$225 check was posted on November 11, 2007. The \$525 check was posted on November 16, 2007. Vasquez called Elizaldi to say that he had received both checks.

8. *Elizaldi's Calls to TruLegal.* Elizaldi did not hear from Vasquez. In March 2008, Elizaldi tried calling Vasquez at TruLegal. The phone was answered by Paul, who told Elizaldi that Vasquez no longer worked for the company. Paul asked if he could help her. Elizaldi told him that nothing had been done on her case and Vasquez was supposed to be handling it. Paul said she needed to talk to Rai Booth, who is in charge of billing for TruLegal. Paul then transferred the call to Booth. Elizaldi explained her situation

³ Vasquez was a case manager. His job was to interview the customer and then pass the information and documents on to the "legal document assistants".

to Booth. Booth said she would call back Elizaldi but she never did.

9. The following day, Elizaldi talked to respondent. Respondent told her to again fax a copy of everything she had sent in so far, and then respondent would call her back. Elizaldi faxed the materials to respondent but respondent never called her back. Elizaldi left multiple messages for respondent and Booth but they never returned her calls.

10. *Elizaldi Requests a Refund.* In April, Elizaldi had a friend call TruLegal on her cell phone because Elizaldi suspected that respondent was using caller ID to screen Elizaldi's calls. Elizaldi spoke with Booth and demanded her money back. Booth told her to write a letter asking for a refund, which Elizaldi did in May. She never got a response from Booth. Her money was not refunded. Elizaldi called respondent and Booth a number of times but could never get them to return a call. Elizaldi left voicemail messages for Booth and respondent requesting the return of her money. She has never gotten a response.

11. Elizaldi says that no court forms or legal documents, either blank or filled out, were ever provided to her by TruLegal so she could pursue her *pro se* case. The case was never filed in court.

12. *Respondent's Position.* Respondent took the following position in her response to the request for investigation. Respondent contended that Vasquez gave Elizaldi all the services she paid for. Respondent claimed that Vasquez (whom she characterized as an “independent contractor legal document assistant”) helped Elizaldi to fill out her documents, as promised.⁴ Respondent argued that Elizaldi knew she would not be getting an attorney because Elizaldi elected to have a “legal document assistant” assist her with her paperwork in order to file *pro se*.

13. Respondent stated that TruLegal would not refund Elizaldi's fees. Respondent claimed that Elizaldi owed TruLegal an additional \$380 in monthly fees. Respondent stated that Elizaldi cancelled her membership in June 2008 but did not pay her

⁴ As noted above, Vasquez states that he was a case manager for respondent and her company. He did not do paralegal work.

monthly service fee of \$38 per month up until the cancellation. Respondent planned to turn the matter over to a collection agency.

14. Respondent engaged in the unauthorized practice of law by offering a service to the public wherein her case managers discussed legal matters with customers and “legal document assistants” prepared court pleadings and other legal documents for customers, all without supervision by an attorney. The unauthorized practice of law includes acting as a representative in protecting, enforcing or defending the legal rights and duties of another and/or counseling advising and assisting that person in connection with legal rights and duties. *See, People v. Shell, 148 P.3d 162 (Colo. 2006); and Denver Bar Assn. v. P.U.C., 154 Colo. 273, 391 P.2d 467 (1964).* The respondent does not fall within any of the statutory or case law exceptions.

WHEREFORE, the petitioner prays that this court issue an order directing the respondent to show cause why the respondent should not be enjoined from engaging in any unauthorized practice of law; thereafter that the court enjoin this respondent from the practice of law, or in the alternative that this court refer this matter

to a hearing master for determination of facts and recommendations to the court on whether this respondent should be enjoined from the unauthorized practice of law. Furthermore, petitioner requests that the court assess the costs and expenses of these proceedings, including reasonable attorney fees against this respondent; order the refund of any and all fees paid by clients to the respondent; assess restitution against the respondent for losses incurred by clients or third parties as a result of the respondent's conduct; impose a fine for each incident of unauthorized practice of law, not less than \$250.00 and not more than \$1,000.00; and any other relief deemed appropriate by this court.

Respectfully submitted this 13th of May 2009.



Kim E. Ikeler, #15590
Assistant Regulation Counsel
Attorney for Petitioner